

Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001

January 25, 2021

Scott S. Harris
Clerk of the Court
(202) 479-3011

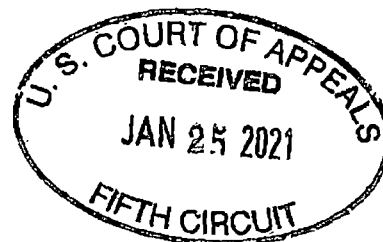
Clerk
United States Court of Appeals for the Fifth Circuit
600 S. Maestri Place
New Orleans, LA 70130

United States Courts
Southern District of Texas
FILED

January 26, 2021

Nathan Ochsner, Clerk of Court

Re: Ruben Gutierrez
v. Luis V. Saenz, et al.
No. 19-8695
(Your No. 20-70009)
USDC No. 1:19-cv-185



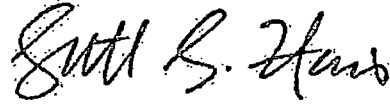
Dear Clerk:

The Court today entered the following order in the above-entitled case:

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The June 12, 2020 order of the United States Court of Appeals for the Fifth Circuit granting the motion to vacate the stay of execution previously issued by the United States District Court for the Southern District of Texas is vacated. The case is remanded to the Court of Appeals with instructions to remand the case to the District Court for further and prompt consideration of the merits of petitioner's underlying claims regarding the presence of a spiritual advisor in the execution chamber in light of the District Court's November 24, 2020 findings of fact. Although this Court's stay of execution shall terminate upon the sending down of the judgment of this Court, the disposition of the petition for a writ of certiorari is without prejudice to a renewed application regarding a stay of execution should petitioner's execution be rescheduled before resolution of his claims regarding the presence of a spiritual advisor in the execution chamber.

The judgment or mandate of this Court will not issue for at least twenty-five days pursuant to Rule 45. Should a petition for rehearing be filed timely, the judgment or mandate will be further stayed pending this Court's action on the petition for rehearing.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott S. Harris". The signature is written in a cursive, flowing style.

Scott S. Harris, Clerk

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

January 26, 2021

Mr. Nathan Ochsner
Southern District of Texas, Brownsville
United States District Court
600 E. Harrison Street
Room 1158
Brownsville, TX 78520

No. 20-70009 Gutierrez v. Saenz
USDC No. 1:19-CV-185

Dear Mr. Ochsner,

Enclosed is a copy of the Supreme Court order granting certiorari.

Sincerely,

LYLE W. CAYCE, Clerk

Stacy Carpenter

By: _____
Stacy M. Carpenter, Deputy Clerk